



Legislation Text

File #: 111301, **Version:** 1

111301
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to the revision and clarification of procedures for disposal of unclaimed vehicles and trailers.

105-65-4-a rc

105-65-4-b rc

This ordinance authorizes the commissioner of public works to dispose of abandoned vehicles by means other than sale if the vehicles are valued at less than \$200 with the exception of substantially complete vehicles older than 19 model years of age. Substantially complete vehicles older than 19 model years of age remain subject to sale rather than disposal by other means.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-65-4-a and b of the code is repealed and recreated to read:

105-65. Control of Abandoned Motor Vehicles and Trailers.

4. DISPOSAL OF UNCLAIMED VEHICLES AND TRAILERS. a. As soon as practical after the removal, a duly authorized representative of the commissioner of public works shall appraise the value of the motor vehicle or trailer based on the prevailing salvage market.

a-1. If the commissioner or the commissioner's authorized representative determines that the value of the motor vehicle or trailer, based on the prevailing salvage market, is \$200 or less, the vehicle or trailer shall be retained in storage for a period of not less than 15 days after notice has been sent to the last known address of the owner of record to permit reclamation of the vehicle or trailer. The notice shall inform the owner of any rights to reclaim personal property, the amount of storage charges which are accruing and any right to reclaim the vehicle within the appropriate period. The commissioner or the commissioner's duly authorized representative may perform a salvage value appraisal of a vehicle or trailer.

a-2. If the commissioner of public works or the commissioner's authorized representative determines that the value of a motor vehicle or trailer, based on the prevailing salvage market, exceeds \$200, or that the vehicle is substantially complete and in excess of 19 model years of age, the vehicle or trailer shall be retained in storage for a period of not less than 30 days after certified mail notice has been sent to the owners and lienholders of record to permit reclamation of the vehicle or trailer. The notice shall inform the owner or lienholder of record of any rights to reclaim personal property, the amount of storage charges that are accruing, and any right to reclaim the vehicle within the appropriate period. The notice shall set forth the year, make, model and serial number of the abandoned motor vehicle or trailer, the place where the vehicle or trailer is being held, and that the failure of the owner or lienholder to exercise his or her rights to reclaim the vehicle or trailer under this section shall be deemed a waiver of all right, title and interest in the vehicle or trailer and a consent to the sale or other disposal of the vehicle or trailer in the manner prescribed in par. b. Each retained vehicle or trailer not reclaimed by its owner or lienholder may be sold, scrapped or otherwise disposed of in a manner prescribed by the commissioner.

b. After the motor vehicle or trailer shall have been stored and notice given as provided for in par. a-1, and the vehicle or trailer shall not have been reclaimed, the commissioner of public works or a person authorized by the commissioner may sell or dispose of the vehicle or trailer unless it is a substantially complete vehicle older than 19 model years of age.

b-1. Notice of the sale shall be published in a daily newspaper having a general circulation in the city for 3 consecutive days, but the same notice may include one or more motor vehicles or trailers. Upon sale, the highest bid for any motor vehicle or trailer shall be accepted unless the highest bid is inadequate in the judgment of the commissioner in which event all bids may be rejected. In case all bids are rejected or no bid is received, the commissioner may, in his or her discretion, readvertise the sale or adjourn the same from time to time to a definite date each time, or sell, scrap or otherwise dispose of the motor vehicle or trailer without further public notice.

b-2. After the motor vehicle or trailer shall have been stored and notice given as provided for in par. a, the commissioner is authorized to make any motor vehicle or trailer remaining unclaimed available for use for municipal purposes, when deemed by the central board of purchases to be in the best interests of the city. No city department may use or remove from storage any unclaimed motor vehicle or trailer, for any purpose, without first obtaining approval from the central board of purchases. An inventory shall be maintained pursuant to s. 66.0139, Wis. Stats.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

City Attorney
LRB133460-2
Richard L. Withers
2/9/2012